


UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2011 DEC 23 PM 12:38

CLERK
BY  DEPUTY CLERK

PATRICIA A. ROWELL,
Plaintiff

v.

FINANCIAL RECOVERY SERVICES, INC.,
Defendant

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)
) Docket No. 2:11-cv-306
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NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1331 and 1441 *et seq.*, and 15 U.S.C. § 1692k, Defendant Financial Recovery Services, Inc. hereby gives notice of removal of this cause of action, under the caption *Patricia A. Rowell v. Financial Recovery Services, Inc.*, from the Vermont Superior Court, Civil Division, Lamoille Unit to the United States District Court for the District of Vermont. In support of removal, Defendant Financial Recovery Services, Inc., by and through its attorneys, states as follows:

1. On or about December 5, 2011, Defendant received a copy of Plaintiff's Complaint. Copies of all process, pleadings and orders served upon Defendant in this action are attached. Upon information and belief, the Complaint has not been filed of record with the Clerk of the Lamoille Vermont Superior Court.

2. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within thirty (30) days after Defendant's service of the Complaint.

3. Plaintiff's Complaint purports to set forth a cause of action under the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 *et seq.* and the Vermont Consumer Fraud Act, 9 V.S.A. § 2451 *et seq.* See Compl. ¶ 4.

4. This action may be removed by Defendant pursuant to 28 U.S.C. § 1441(b) because it presents a federal question and this Court has original federal question jurisdiction as set forth in 28 U.S.C. § 1331 and 15 U.S.C. § 1692k(d).

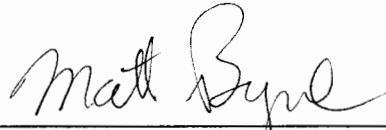
5. Pursuant to 28 U.S.C. § 1367, this Court also has original jurisdiction over any state law claims that may exist.

6. Concurrent with the filing of this Notice of Removal, written notice of its filing is being served pursuant to 28 U.S.C. § 1446(d) upon Plaintiff's counsel, and a true and accurate copy of this Notice of Removal is also being filed with the Clerk of Lamoille Superior Court as required.

7. By filing this Notice of Removal, Defendant Financial Recovery Services, Inc. does not make any admission of fact, law or liability, and expressly reserves all defenses and motions otherwise available to it.

WHEREFORE, Defendant Financial Recovery Services, Inc. requests that further proceedings in the Vermont Superior Court, Civil Division, Lamoille Unit be discontinued and that this action be removed in its entirety to the United States District Court for the District of Vermont, which will then assume full jurisdiction over this cause of action.

Dated: Burlington, Vermont
December 22, 2011



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For Defendant

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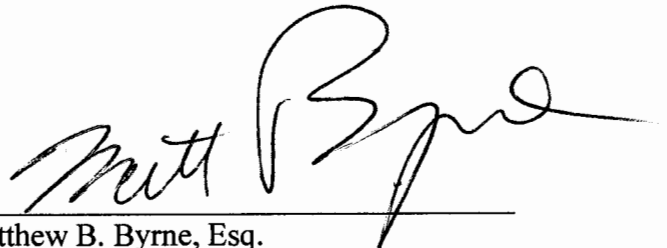
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Docket No.

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2011 I caused the Defendant's Notice of Removal to be served by U.S. Postal Service on David Polow, Esq., at Polow Polow & Mahoney, PLLC, P. O. Box 130, Hyde Park, VT 05655-0130.

Dated: Burlington, Vermont
December 22, 2011



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